

Federal Subsistence Fisheries Regulations

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Angelica Curtis, 10, Petersburg
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2006 Art Contest Entry

Subsistence Taking of Shellfish

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New In This Edition

Summary of Changes from the 2005/06 subsistence fishery regulations include:

Please Note

New or added regulatory text in this book is highlighted in **yellow**.

Statewide

- ◆ Permits the sale of handicraft articles made from the non-edible byproducts (including, but not limited to, skin, shell, fins, and bones) of subsistence-harvested fish or shellfish.

Yukon – Northern Area

- ◆ Revises the customary and traditional use determination for freshwater fish in the Tanana River drainage.

Kuskokwim Area

- ◆ Removes the fishing time restrictions before and after commercial salmon fishing openings in a portion of the Kuskokwim Area.

Alaska Peninsula Area

- ◆ Reduces the area closed to subsistence fishing when there are commercial salmon fishing openings nearby.

Chignik Area

- ◆ Relaxes subsistence restrictions around commercial salmon fishing openings in the Chignik Area.
- ◆ Reduces the area closed to subsistence fishing.

Cook Inlet Area

- ◆ Establishes customary and traditional use determinations for residents of Ninilchik, Hope, Cooper Landing, and the Tuxedni Bay area.

Prince William Sound Area

- ◆ Revises the customary and traditional use determination for freshwater fish in the southern portion of the Prince William Sound Area.
- ◆ Allows for the accumulation of Federal harvest limits with State sport fishing limits in a portion of the Prince William Sound Area.
- ◆ Allows the use of a fyke net in Tanada Creek upstream of the National Park Service weir.



*Julia Salmon, 8, Beaver
Cruikshank School
2006 Art Contest Entry*

- ◆ Requires that fish wheels be checked and fish removed at least once every 10 hours.

Yakutat Area

- ◆ Allows the use of bait in subsistence rod and reel fisheries.
- ◆ Revises the requirement for clipping of fins of subsistence taken salmon.

Southeastern Alaska Area

- ◆ Allows the use of bait in subsistence rod and reel fisheries.
- ◆ Aligns harvest limits for sockeye salmon in the Bay of Pillars drainage with State harvest limits.
- ◆ Revises the requirement for clipping of fins of subsistence taken salmon.
- ◆ Relaxes the gillnet mesh size restrictions during the Chinook salmon season on the Stikine River.
- ◆ Changes the start date of the sockeye salmon season on the Stikine River.

Federal subsistence management

The Federal government has regulated subsistence trapping, hunting, and limited fishing on Federal public lands and waters since July 1, 1990. On October 1, 1999, the Secretaries of the Interior and Agriculture published regulations (36 CFR Part 242 and 50 CFR Part 100) to provide for Federal management of subsistence fisheries on Alaska rivers and lakes and limited marine waters within and adjacent to Federal public lands. This was directed by the 9th Circuit Court in the Katie John case, and meets the requirements of the rural subsistence priority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

The subsistence fishing and shellfish regulations published in this book are effective April 1, 2006-March 31, 2007 and are published separately from Federal subsistence trapping and hunting regulations.

Alaska Department of Fish & Game regulations continue to apply statewide to all commercial fisheries, sport fisheries, personal use fisheries, and subsistence fisheries, unless otherwise superseded by Federal regulations.

State and Federal fishing regulations

Often Federal subsistence fisheries occur in the same area as State of Alaska fisheries. These regulations

apply only on Federal public lands and waters. You may not add the harvest limit from a Federal subsistence fishery and a State fishery together to increase your harvest limit, unless specifically authorized by these regulations.

Only rural Alaska residents may fish under the Federal subsistence regulations in this book. Nonrural residents and nonresidents may still fish on most Federal public lands and waters under State of Alaska fishing regulations.

Contact Alaska Department of Fish & Game for a State regulations book and more information. You can find State fishing regulation books throughout Alaska at many sporting goods or grocery stores. You can also check State fishing regulations online at:

<http://www.adfg.state.ak.us>

Federal Subsistence Board

The Federal Subsistence Board oversees the Federal Subsistence Management Program. The Board members include the agency heads for Alaska of the U.S. Fish & Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and USDA Forest Service. The Board's chair is a representative of the Secretary of the Interior.

Federal Subsistence Regional Advisory Councils, State of Alaska representatives, and the general public play an active role in the regulatory process.

You can find information on the Federal Subsistence Board on the Subsistence website at <http://alaska.fws.gov/asm/home.html>, or by contacting the Office of Subsistence Management at (800) 478-1456 or (907) 786-3888.

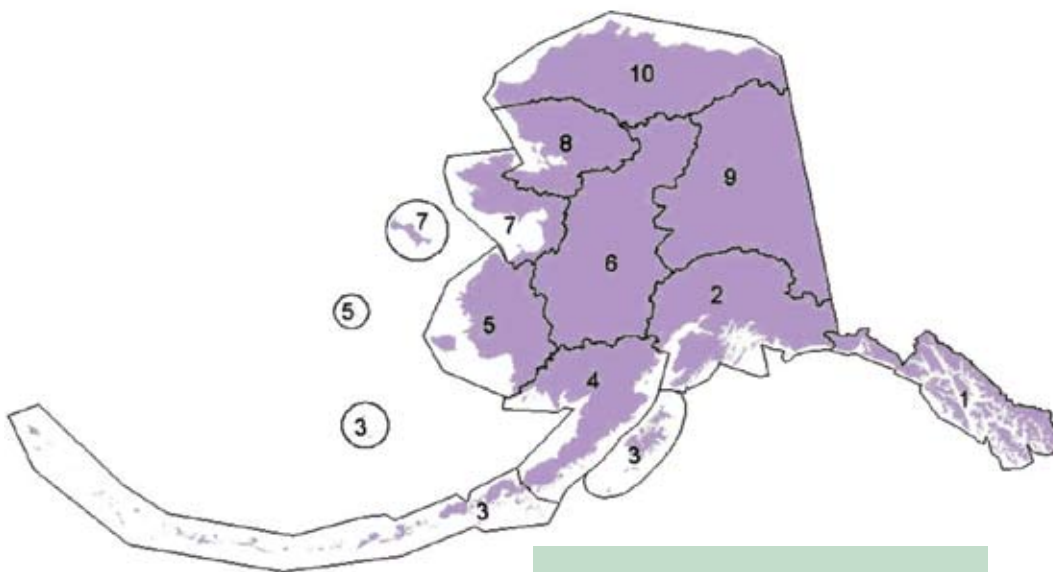


*Diana German, 9, New Stuyahok
Chief Ivan Blunka School
2006 Art Contest Entry*

General Information

Federal Subsistence Regional Advisory Councils

Alaska is divided into ten subsistence resource regions, each represented by a Regional Advisory Council. These ten Councils provide an opportunity for rural Alaskans to contribute in a meaningful way to the management of subsistence resources. Subsistence users have the opportunity to comment and offer input on subsistence issues at Council meetings. Each Council meets at least twice a year. The Councils develop proposals to change Federal subsistence regulations and review proposals submitted by others.



The Councils represent the following regions:

1. Southeast
2. Southcentral
3. Kodiak/Aleutians
4. Bristol Bay
5. Yukon-Kuskokwim Delta
6. Western Interior
7. Seward Peninsula
8. Northwest Arctic
9. Eastern Interior
10. North Slope

Council membership

The Secretaries of the Interior and Agriculture appoint Council members. Members must reside in the area they wish to represent and have knowledge of subsistence uses and needs. Each year the Office of Subsistence Management accepts applications and nominations for membership during October-December. If you are interested in applying for membership, please contact Ann Wilkinson or the regional coordinator for your region (see next page).

Look on the web for more information on the Federal Subsistence Management Program and Council membership at <http://alaska.fws.gov/asm/home.html>

Council members discuss subsistence issues at a Regional Advisory Council meeting.
Maureen Clark/USFWS Photo



Criteria for Council membership—who qualifies?

Applicants and nominees must be residents of the region they wish to represent and have:

- Knowledge of fish and wildlife resources in the region;
- Knowledge of subsistence uses, customs, and traditions in the region;
- Knowledge of recreational, commercial, and other uses in the region;
- Leadership skills and experience with local and/or regional organizations;
- Ability to communicate effectively;
- Willingness to travel to and attend Council meetings at least two times each year, usually in October and February. Although Council members are volunteers, members' official travel expenses for meetings are paid through the Office of Subsistence Management.
- Willingness to occasionally attend Federal Subsistence Board meetings.

What do Council members do?

- Review and make recommendations to the Federal Subsistence Board on proposals for regulations, policies, management plans, and other subsistence-related issues on Federal public lands within the region;
- Develop proposals pertaining to the subsistence harvest of fish and wildlife, and review proposals submitted by others;
- Encourage and promote local participation in the decision-making process affecting subsistence harvests on Federal public lands;
- Make recommendations on customary and traditional use determinations of subsistence resources;
- Appoint members to National Park Service Subsistence Resource Commissions.

For more information, contact

Ann Wilkinson
(800) 478-1456 or (907) 786-3676
Fax: (907) 786-3898
E-mail: ann_wilkinson@fws.gov

Federal Subsistence Regional Advisory Council Coordinators

Regional Council Coordinators facilitate communication between the Advisory Councils and the Federal Subsistence Board. Each Regional Coordinator is responsible for one or two regions and serves as a contact for the Councils, Federal agency staff, and the public. Contact a Regional Coordinator for more information on the activities of each Council.

Southeast Region

Bob Schroeder
JUNEAU
(800) 586-7895
or (907) 586-7895
Fax: (907) 586-7860
E-mail:
rschroeder@fs.fed.us

Southcentral Region

Donald Mike
ANCHORAGE
(800) 478-1456
or (907) 786-3629
Fax: (907) 786-3898
E-mail:
donald_mike@fws.gov

Kodiak/Aleutians and Northwest Arctic Regions

Michelle Chivers
ANCHORAGE
(800) 478-1456
or (907) 786-3877
Fax: (907) 786-3898
E-mail:
michelle_chivers@fws.gov

Bristol Bay Region

Cliff Edenshaw
ANCHORAGE
(800) 478-1456
or (907) 786-3870
Fax: (907) 786-3898
E-mail:
cliff_edenshaw@fws.gov

Yukon-Kuskokwim Delta Region

Alex Nick
BETHEL
(800) 621-5804
or (907) 543-1037
Fax: (907) 543-4413
E-mail:
alex_nick@fws.gov

Western Interior and Eastern Interior Regions

Vince Mathews
FAIRBANKS
(800) 267-3997
or (907) 456-0277
Fax: (907) 456-0208
E-mail:
vince_mathews@fws.gov

Seward Peninsula and North Slope Regions

Barbara Armstrong
ANCHORAGE
(800) 478-1456
or (907) 786-3885
Fax: (907) 786-3898
E-mail:
barbara_armstrong@fws.gov

General Information

Federal conservation system units

These regulations implement the provisions of Title VIII of ANILCA relevant to the taking of fish and shellfish on Federal public lands in the State of Alaska. The regulations in this part do not supersede agency-specific regulations.

These regulations apply on all Federal public lands and navigable/non-navigable inland waters and certain marine waters, within or adjacent to the exterior boundaries of:

◆ **Alaska Maritime National Wildlife Refuge**—including these subunits:

Karluk—All submerged lands and Pacific Ocean waters of Shelikof Strait extending 3,000 feet from the shoreline between a point on the spit at the meander corner common to Sections 35 and 36 of Township 30 South, Range 33 West, and a point approx. 1¼ miles east of Rocky Point within Section 14 of Township 29 South, Range 31 West, Seward Meridian (*as described in Public Land Order #128, June 19, 1943*);

Womens Bay, including Womens Bay, Gibson Cove, portions of St. Paul Harbor and Chiniak Bay—All submerged lands and waters (*as described in Public Land Order #1182, July 7, 1955, U.S. Survey #2539*);

Afognak Island—All submerged lands and waters of the Pacific Ocean lying within three miles of the shoreline (*as described in Proclamation #39, Dec. 24, 1892*);

Simeonof—All submerged lands and waters of Simeonof Island together with the adjacent waters of the Pacific Ocean extending one mile from the shoreline (*as described in Public Land Order #1749, Oct. 30, 1958*); and,

Semedi—All submerged lands and waters of the Semedi Islands together with the adjacent waters of the Pacific Ocean lying between parallels 55°30'00"—157°00'00" N. Lat. and 156°30'00"—157°00'00" W. Long. (*as described in Exec. Order #5858, June 17, 1932*).

◆ **Arctic National Wildlife Refuge**—including those waters shoreward of the line of extreme low water starting in the vicinity of Monument 1 at the intersection of the International Boundary line between the State of Alaska and the Yukon Territory, Canada, and extending westerly, along the line of extreme low water across the entrances of lagoons, and all offshore

bars, reefs and islands, and lagoons that separate them from the mainland to Brownlow Point, at approx. 70°10' N. Lat. and 145°51' W. Long.

◆ **National Petroleum Reserve in Alaska**—including those waters shoreward of a line beginning at the western bank of the Colville River following the highest highwater mark westerly, extending across the entrances of small lagoons, including Peard Bay, Wainwright Inlet, the Kuk River, Kugrua Bay and River, and other small bays and river estuaries, and following the ocean side of barrier islands and sandspits within three miles of shore and the ocean side of the Plover Islands, to the northwestern extremity of Icy Cape, at approx. 70°21' N. Lat. and 161°46' W. Long.

◆ **Yukon Delta National Wildlife Refuge**, including Nunivak Island—The submerged lands and waters of Nunivak Island together with the adjacent waters of the Bering Sea and extending (for Federal Subsistence Management purposes) three miles from the shoreline of Nunivak Island (*as described in Exec. Order #5059, April 15, 1929*).

These regulations also apply on all Federal public lands and navigable/non-navigable inland waters, **except marine waters**, within or adjacent to the exterior boundaries of:

- Alaska Peninsula National Wildlife Refuge
- Aniakchak National Monument and Preserve
- Becharof National Wildlife Refuge
- Bering Land Bridge National Preserve
- Cape Krusenstern National Monument
- Chugach National Forest
- Denali National Preserve/1980 additions to Denali National Park
- Gates of the Arctic National Park and Preserve
- Glacier Bay National Preserve
- Innoko National Wildlife Refuge
- Izembek National Wildlife Refuge
- Katmai National Preserve
- Kanuti National Wildlife Refuge
- Kenai National Wildlife Refuge
- Kobuk Valley National Park

- Kodiak National Wildlife Refuge
- Koyukuk National Wildlife Refuge
- Lake Clark National Park and Preserve
- Noatak National Preserve
- Nowitna National Wildlife Refuge
- Selawik National Wildlife Refuge
- Steese National Conservation Area
- Tetlin National Wildlife Refuge
- Togiak National Wildlife Refuge
- Tongass National Forest, including Admiralty Island National Monument and Misty Fjords National Monument
- White Mountains National Recreation Area
- Wrangell-St. Elias National Park and Preserve
- Yukon-Charley Rivers National Preserve
- Yukon Flats National Wildlife Refuge

All components of the **Wild and Scenic River System** located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges. This includes segments of the Alagnak River, Beaver Creek, Birch Creek, Delta River, Fortymile River, Gulkana River, and Unalakleet River.

These regulations apply to all other Federal public lands, except for military (including the U.S. Coast Guard) and Federal Aviation Administration lands that are closed to general public access. This exception includes all non-navigable waters on these lands.

Subsistence taking of marine mammals and migratory birds

These regulations do not apply to the subsistence taking of marine mammals or migratory birds. These species are regulated under the Marine Mammal Protection Act and the Migratory Bird Treaty Act. For more information, contact:

U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, AK 99503

Marine Mammals:
(907) 786-3800 or (800) 362-5148

Migratory Birds:
(907) 786-3499 or (877) 229-2344



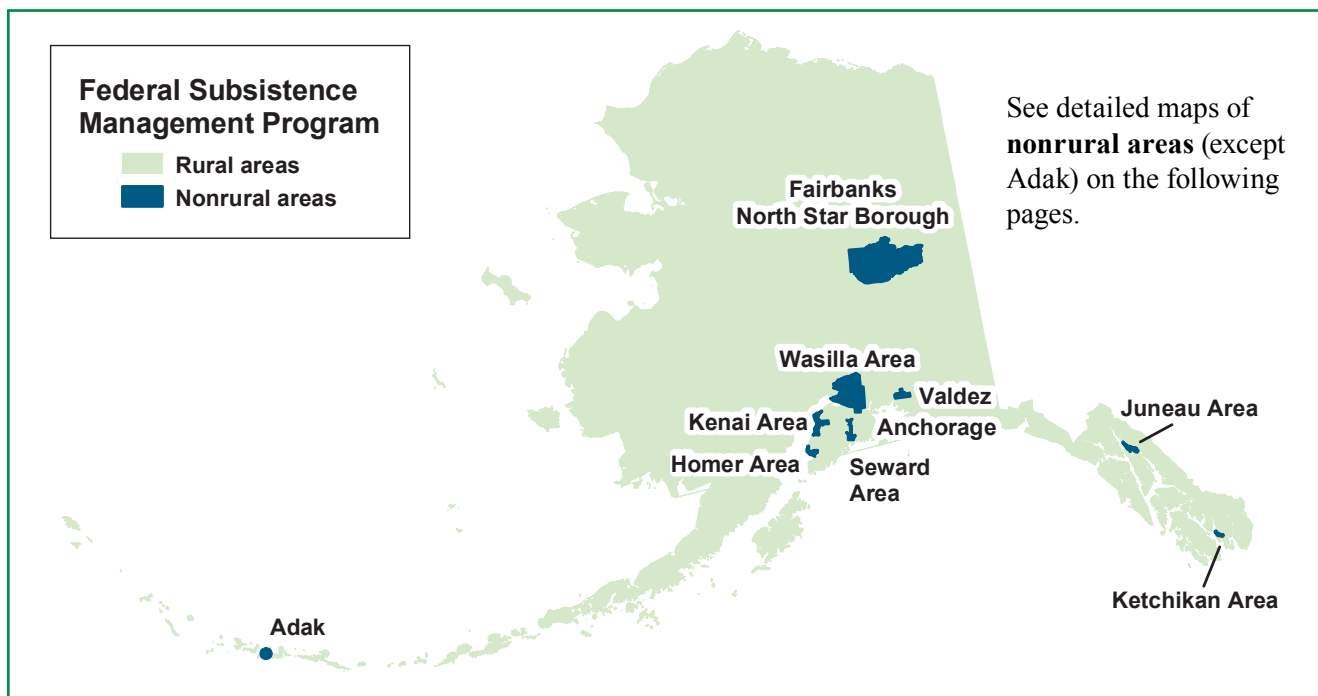
Veronica Schaeffer, 11, Kotzebue
Kotzebue Middle High School
2006 Art Contest Entry

General Information

Do these regulations apply to you?

Are you a rural Alaska resident?

All communities and areas of Alaska are rural, except the areas shown on the following maps as nonrural areas. You must be a rural Alaska resident to harvest fish and shellfish under Federal subsistence regulations. You must have your primary, permanent place of residence in a rural area to qualify to hunt, trap or fish under Federal subsistence regulations. A seasonal residence does not qualify you as a rural resident. See the definition of resident in the definitions section of this book.



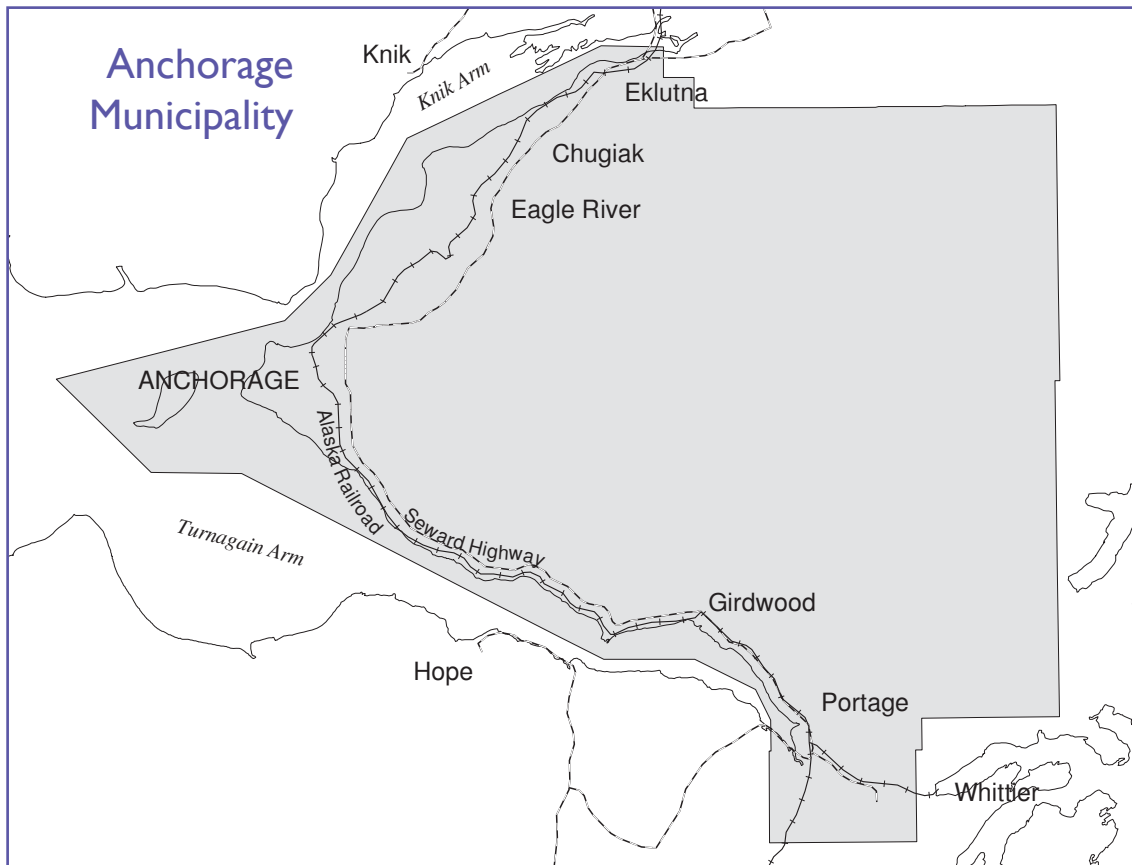
Nonrural Communities

The Federal Subsistence Board is currently reviewing the rural/nonrural status of Alaska communities. For more information, contact:

Office of Subsistence Management
phone: (907) 786-3888 or (800) 478-1456
e-mail: subsistence@fws.gov
web: <http://alaska.fws.gov/asm/home.html>

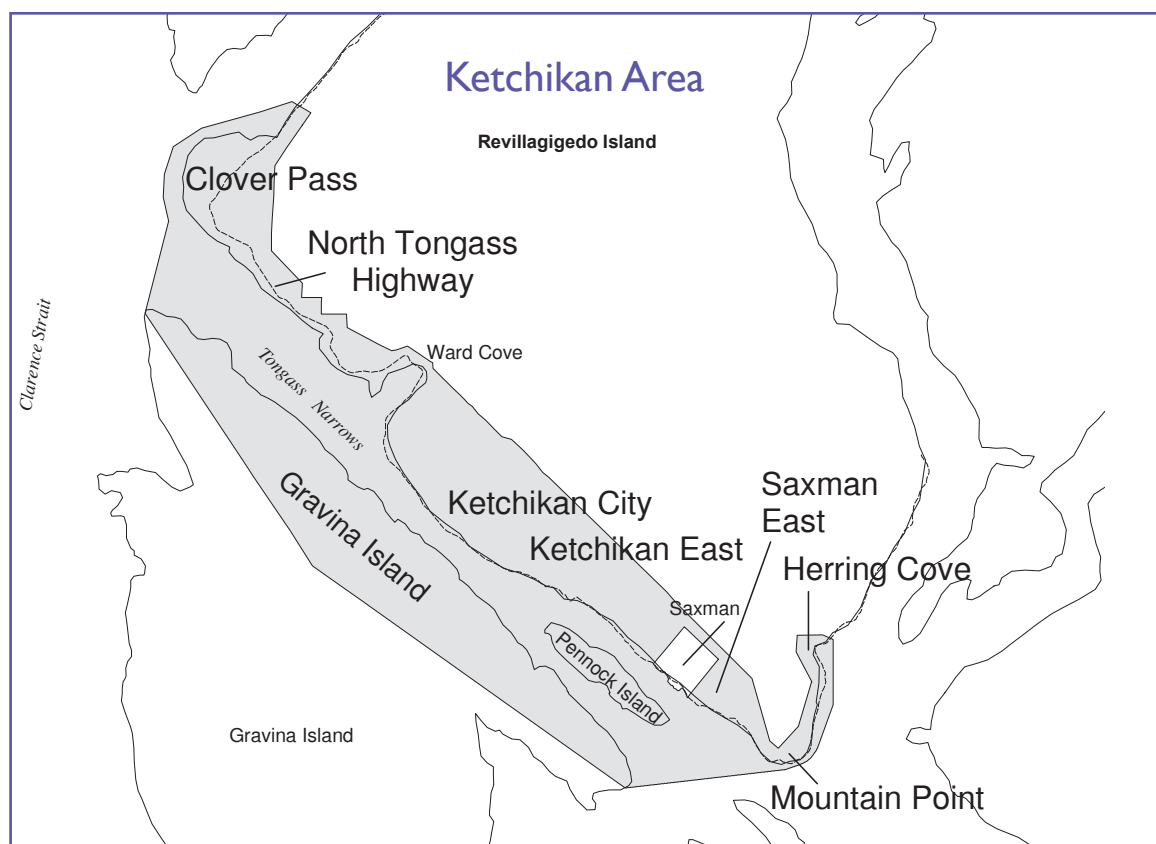
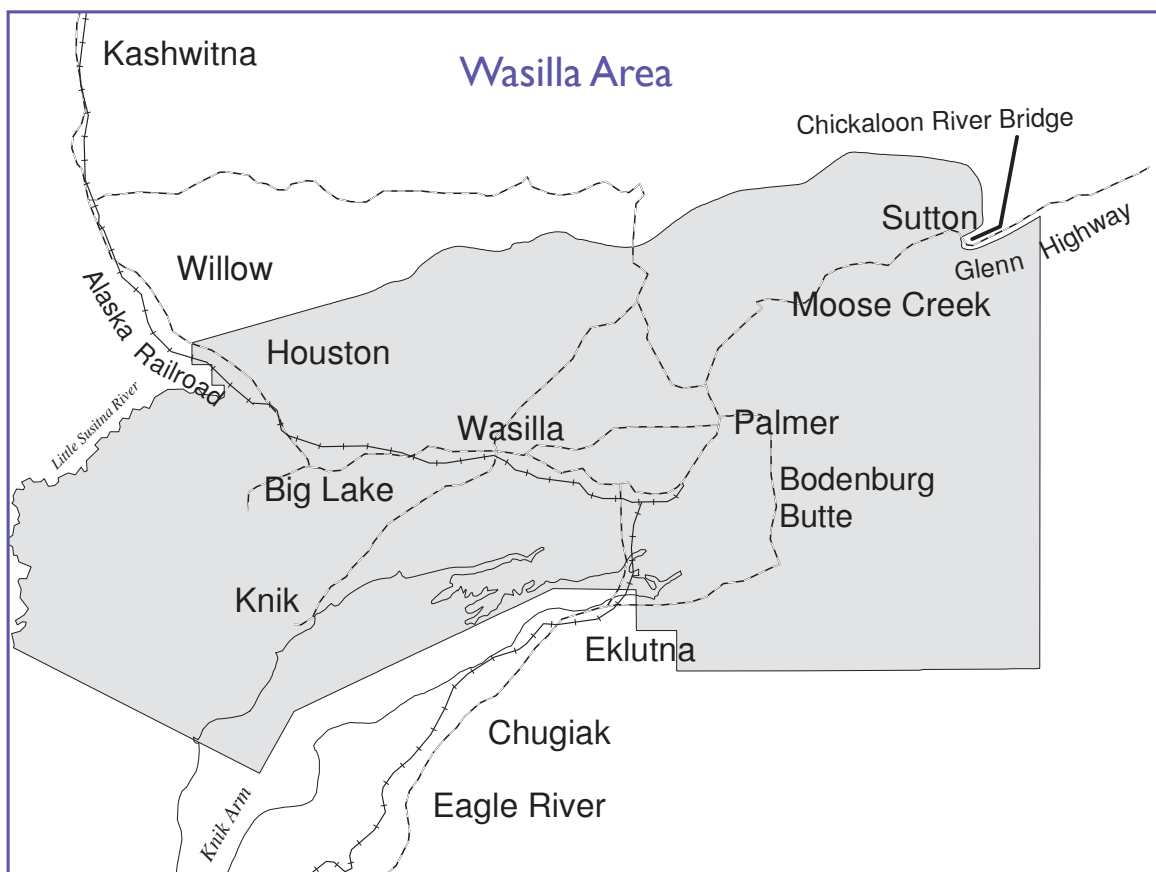
- Adak
- Anchorage (Municipality)
- Fairbanks North Star Borough
- Homer area (including Homer, Anchor Point, Kachemak City and Fritz Creek)
- Juneau area (including Douglas, Juneau, West Juneau)
- Kenai area (including Clam Gulch, Kalifornsky, Kasilof, Kenai, Nikiski, Salamatof, Soldotna, Sterling)
- Ketchikan area (including Clover Pass, Herring Cove, Ketchikan City, Ketchikan East, Mountain Point, North Tongass Highway, Pennock Island, parts of Gravina Island, and Saxman East)
- Wasilla area (including Big Lake, Bodenburg Butte, Houston, Palmer, Sutton, Wasilla)
- Seward area (including Seward and Moose Pass)
- Valdez

Nonrural Areas

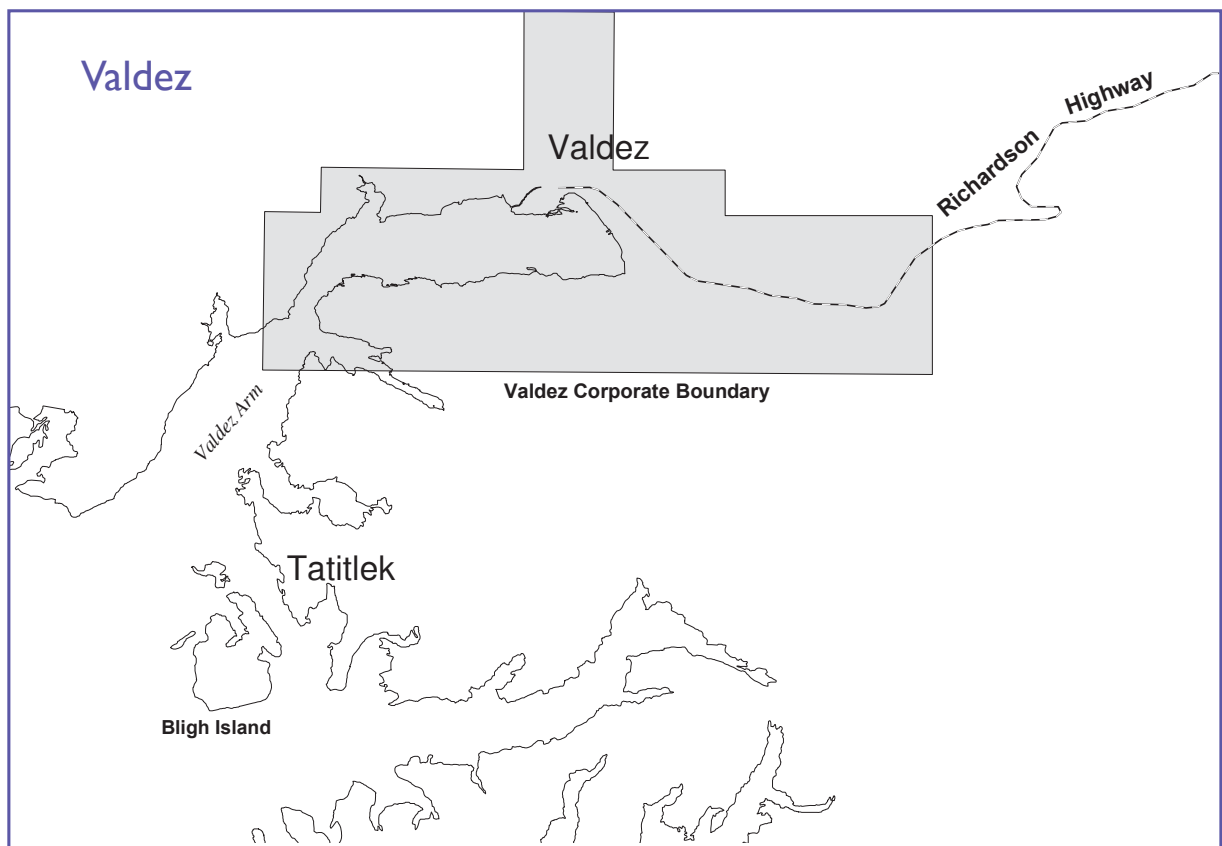
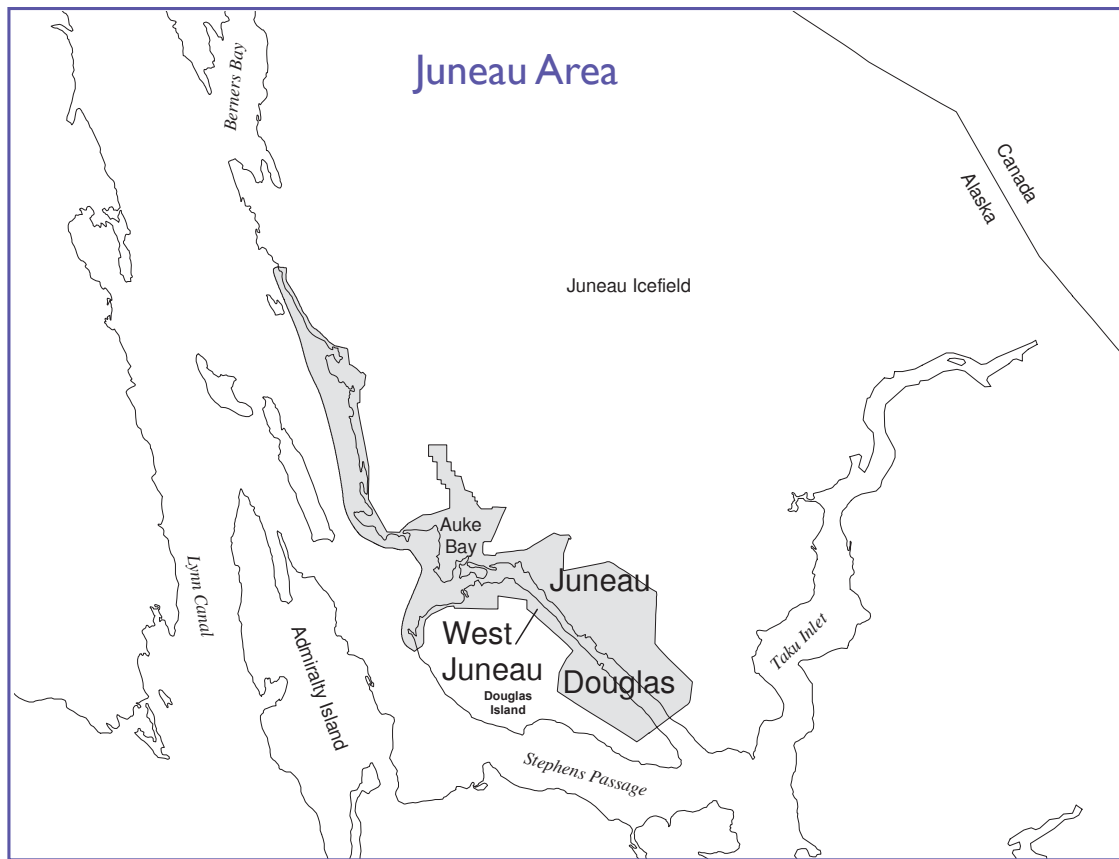


General Information

Nonrural Areas



Nonrural Areas

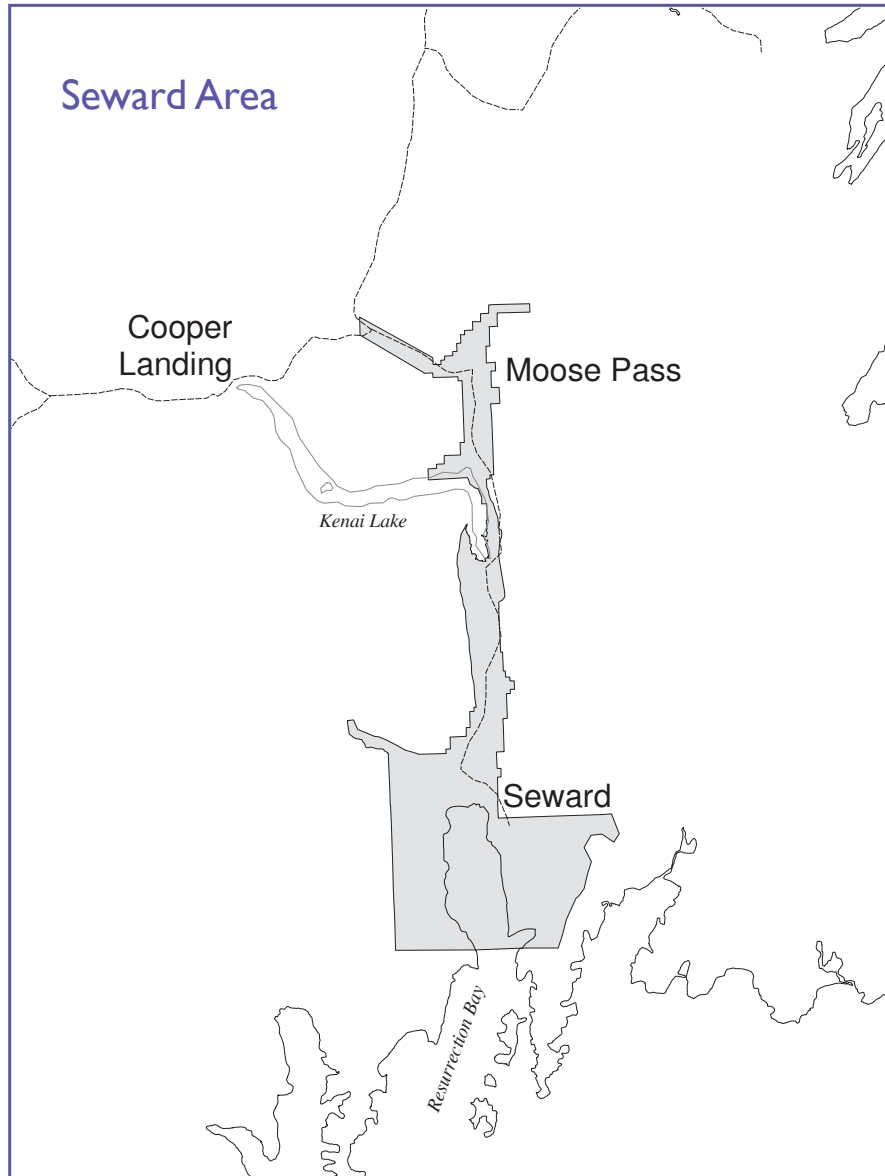


General Information

Nonrural Areas



Nonrural Areas



Land and Water Access

DO NOT TRESPASS. Federal Subsistence Management harvest regulations apply to Federal public lands and waters, but do not provide for access across private lands.

It is your responsibility to identify ownership of lands you will be using or crossing and to make sure you have permission from the land owner. Some Native village and regional corporation lands require a land use permit and/or fee. Some of these lands are closed to use by non-shareholders.

The use of private lands without the landowner's permission, other than those legally-reserved public access easements, is trespass.

For detailed topographic maps, contact: U.S. Geological Survey, 4320 University Drive, Alaska Pacific University, Room 101, Anchorage, AK 99508. (907) 786-7011 or (800) USA-MAPS.

General Information

Do you qualify for customary and traditional (C&T) use?

The Federal Subsistence Board decides which communities or areas have customarily and traditionally taken a species. Each fishery management area lists customary and traditional use determinations along with seasons and harvest limits and any special provisions. When there is a positive determination for specific communities or areas, only residents of those communities and areas have a Federal subsistence priority for that species in that fishery management area and are eligible to fish under these regulations. If the Board has not made a customary and traditional use determination for a species in a fishery management area, then all rural residents of Alaska may use that species in that area. Refer to the summary tables at the beginning of each fishery management area to identify existing C&T usage regulations.

If there are no Federal subsistence seasons for that species in that fishery management area, fishing for that species may be allowed under State of Alaska fishing regulations.

Will you be fishing in Federal public waters?

The regulations apply only to waters on, flowing through, or adjacent to Federal public lands. This includes all waters within the boundaries of the Federal conservation system units, regardless of land ownership within those boundaries. These lands are managed by the U.S. Fish & Wildlife Service, National Park Service, Bureau of Land Management, and USDA Forest Service. Federal public waters include all components of the national Wild & Scenic Rivers System located outside boundaries of national parks, national preserves or national wildlife refuges. These regulations do not apply on general domain lands managed by the Bureau of Land Management, except on non-navigable waters. The public land status described in this book may change pending a Department of the Interior review of title and jurisdictional issues.

These regulations do not apply to waters on or flowing through State lands, private lands, or Federal public lands selected by the State of Alaska or Native corporations, unless those lands are within the boundaries of Federal conservation system units. There are no Federal open seasons in areas that have no Federal public lands. Check the maps carefully to know which waters are under Fed-

eral jurisdiction. If you have questions, contact any of the Federal offices listed in the back of this book.

Other important information

Read the special provisions for each fishery management area where you wish to harvest fish or shellfish. If you have questions, contact the Office of Subsistence Management at (907) 786-3888 or toll free (800) 478-1456.



Special requirements for National Park Service lands

Subsistence use of resources in areas managed by the National Park Service is subject to additional rules and is restricted to local residents in national monuments and parks open to subsistence. National Park Service regulations govern which communities or individual residents qualify as local rural residents for specific National Park Service areas. Glacier Bay National Park, Katmai National Park, Kenai Fjords National Park, Klondike Gold Rush National Historic Park, “old” McKinley National Park, and Sitka National Historical Park are closed to subsistence.

Users of National Park Service areas are responsible for complying with these regulations (36 CFR Part 13, Subparts A, B, and C).

For more information about National Park Service regulations affecting subsistence, contact:

National Park Service, Alaska Regional Office

240 West 5th Avenue, Room 114
Anchorage, Alaska 99501
(907) 644-3510 / Fax: (907) 644-3816

Permitting systems

In some communities, the Federal Subsistence Board may establish community harvest and designated fishing permits and reporting systems. These systems are based on customary and traditional practices. The Federal Subsistence Board continues to work to establish other alternative community harvest and reporting systems where appropriate.

How to change Federal subsistence regulations

Alaska residents and subsistence users are an integral part of the Federal regulatory process. Any person or group can submit proposals to change Federal subsistence regulations, comment on proposals, and testify at meetings. The ten Regional Advisory Councils meet at least twice a year. By becoming involved in the process, subsistence users help to more effectively manage subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions.

Forms to propose changes to subsistence fishing regulations are mailed out statewide in late December, with the fish proposal period open each year from January through March.



*Michaela Okitkun, 11, Kotlik
Kotlik School
2006 Art Contest Entry*

January 2006	Fisheries proposal period opens. Proposals to change Federal subsistence fisheries and shellfish seasons, harvest limits, methods, and means; and customary and traditional use determinations may be submitted.
February-March 2006	Regional Advisory Council winter meetings. The Regional Advisory Councils meet to develop fisheries and shellfish proposals.
March, 2006	Fisheries proposal period closes.
May-June 2006	Public comment period. Proposals are distributed for public review and comment.
September-October 2006	Regional Advisory Council fall meetings. The Regional Advisory Councils meet to review regional proposals and analyses, hear public comments on proposals, and make recommendations to the Federal Subsistence Board.
January 2007	Federal Subsistence Board meets to consider proposals. The Board hears Regional Council recommendations and public and staff comments on proposals before adopting the final regulations for the regulatory year.
April 2007	New regulations for the 2006-2007 regulatory year go into effect.

For additional information or for proposal forms, contact:
Office of Subsistence Management (800) 478-1456 or (907) 786-3888
<http://alaska.fws.gov/asm/home.html>